SINGLE BENCH

(1) (4) CF 2002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. (C) NO. 110 /2007

PETITIONERS :1. Kamla Bai Wd./o Lt. Basawan Sahu, aged about 52 years, R/o. Bergao.

2. Bhole Kumari D/o Lt.Basawan Sahu, Aged - 25 yrs. R/o. Bergao. P.S. - Saharpur - Lohara, District Kabirdham (C.G.)

P.R. No. 4951/07
Presented by Shri Pushpa Dwivedi
dated 15/1/07

VERSUS

RESPONDENTS 1. Sabana Bai Wd./o Lt. Basawan Sahu, aged about 44 years, R/o. Bergao, P.H.No. 35, R.N.M. Veerendra Nagar, Tahsil Kawardha, District Kabirdham (C.G.)

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2. State of Chhattisgarh, Through : Collector -Kabirdham, District Kabirdham (C.G.)

WRIT PETITION UNDER ARTICLE 226 FOR ISSUANCE A WRIT IN THE NATURE OF CERTIORARY

(19)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.(C).No.110/2007 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29-1-2007

Shri Sudhir Verma, Advocate for the petitioners.

Heard on admission.

The petitioners by this petition have impugned the order dated 2-1-2007 of Annexure P-1 passed by the 1st Civil Judge Class I, Kabir Dham whereby the application for rejection of the plaint filed by the defendants/petitioners for non-joinder of necessary party has been rejected.

Learned counsel for the petitioners submits that some portion of the land which is subject matter of the suit already stood transferred in the names of various other persons. Despite this fact, the plaintiffs without arraying the purchasers of the aforesaid land have instituted the above suit and they are necessary parties for adjudication of the suit. In view of the above, the Court below ought to have rejected the plaint on the ground of non-joinder of necessary parties.

I have heard learned counsel for the petitioners. I have perused the impugned order.

After considering the case of the plaintiffs in the plaint, the Court below has rejected the application of the petitioners on the ground that as per pleadings in the plaint, the purchasers of lands are not necessary parties.

XI-HC-78

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	Having considered the facts and circumstances of the case, this Court is of the considered opinion that there is no illegality or infirmity in the impugned order which calls for interference by this Court in exercise of the jurisdiction under Article 227 of the Constitution of India. The petition is dismissed at admission stage. Consequently, M.W.P. No. 239/2007 also stands dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

P/-

P.T.O.